IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Civil Application No.1019 of 2006
in
Writ Petition No. 1034 of 2006

Shri Raghunandan Hindurao Sawant ..Petitioner

vs.

Smt.Mangala Arvind Patil ..Respondent

Shri R.S.Apte i/b Shri M.S.Lagu for petitioner.
Shri Ganesh Gole for respondent.

CORAM: S.B.MHASE J.
7th April, 2006

P.C.

1. Heard Shri Apte. Perused the order dated 23rd January, 2006 which is impugned in the petition. By the said order the petitioner/defendant is restrained from raising new construction in the suit land inclusive of 40 R land out of block no.272 purchased by him under the sale deed dated 7th March, 2005 and newly formed as block no.272-B situated at village Borapadale, Taluka Panhala, District Kolhapur till final disposal of the suit. The petition was admitted. So far as the interim relief is concerned, interim relief was refused by this Court by order dated 1st March, 2006. Now under this background the present civil application is preferred by the petitioner making a prayer to this Court that the petitioner may be permitted to complete the construction work of the petrol pump and further the petitioner may be permitted to conduct the business of petrol pump on such terms and conditions as this Court deem fit.

2. Thus, if this prayer is granted, not only the earlier order passed by this Court will be cancelled but also the order passed by the Trial Court will be modified and it will be as good as granting final relief in favour of the petitioner. Therefore, the civil application is rejected.

(S.B.MHASE J.)